



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00862-RS
Issue Date: January 12, 2006
Expiration Date: February 13, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: IMTT-Bayonne
250 East 22nd Street
Bayonne, NJ 07002

ACTIVITY: Maintenance dredge with ten years maintenance, no barge overflow and the discharge of decanted water into waters of the United States, with upland disposal at an approved site.

WATERWAY: Kill Van Kull

LOCATION: City of Bayonne, Hudson County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary review of the proposal and information submitted by the applicant indicates that the overall potential impact on EFH for designated species is very small because of the temporary nature of the disturbance, the lack of specialized habitat in the area, and that most EFH designated species are in low abundance in the project area because they are normally in transit through the area. Upland placement of dredged materials would not have any effect on EFH. Based upon the foregoing, the U.S. Army Corps of Engineers New York District Regulatory Branch has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final permit decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

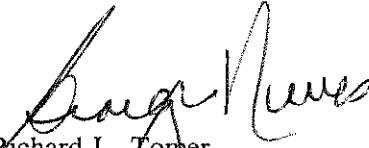
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: Permit from the New Jersey Department of Environmental Protection.

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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice.

If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

FOR / 
Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, International Matex Tank Terminals (IMTT)-Bayonne, has requested Department of the Army authorization to maintenance dredge with ten years maintenance in the Constable Hook Reach of the Kill Van Kull at the City of Bayonne, Hudson County, New Jersey.

The work would involve maintenance dredging at 10 piers and 18 berths that are owned and operated by IMTT. The berths are occupied by barges and ships having a variety of controlling depths. The following is a summary of the piers and berths with corresponding historically authorized depths, as well as projected annual rates of sedimentation. It should be noted that the sedimentation rates are approximate. The intent of providing this information is to project a reasonably conservative approximation of total dredging volume that could be anticipated during the authorization period.

<u>Pier Location</u>	<u>Berth Name</u>	<u>Authorized Depth (@ MLW)</u>	<u>Approx. Projected Rate of Sedimentation (CY/year)</u>
Pier 7	Barge Berth 2	23.0 ft	200
	Barge Berth 3	24.0 ft	220
	Barge Berth 4	25.0 ft	300
	Berth 5	28.0 ft	600
	Berth 6	26.5 ft	600
Pier 6	Berth 6 North	39.0 ft	700
	Berth 6 South	38.0 ft	600
Pier 5C	Berth 5C	45.0 ft	1,400
Pier 5B	Berth 5B	38.0 ft	600
Pier 4	Berth 4E	25.0 ft	1,200
	Berth 4W	25.0 ft	600
Pier 3	Berth 3E	25.0 ft	400
	Berth 3W	31.5 ft	800
Pier 1	Berth 1E	32.0 ft	1,800
Pier 1	Berth 1W	36.0 ft	2,200
Pier A	Berth A	50.0 ft	1,200
Pier 8	Barge Berth 8	28.0 ft	800
Pier 9	Barge Berth 9	19.0 ft	600
Pier 9	Ship Berth	38.0 ft	<u>1,000</u>

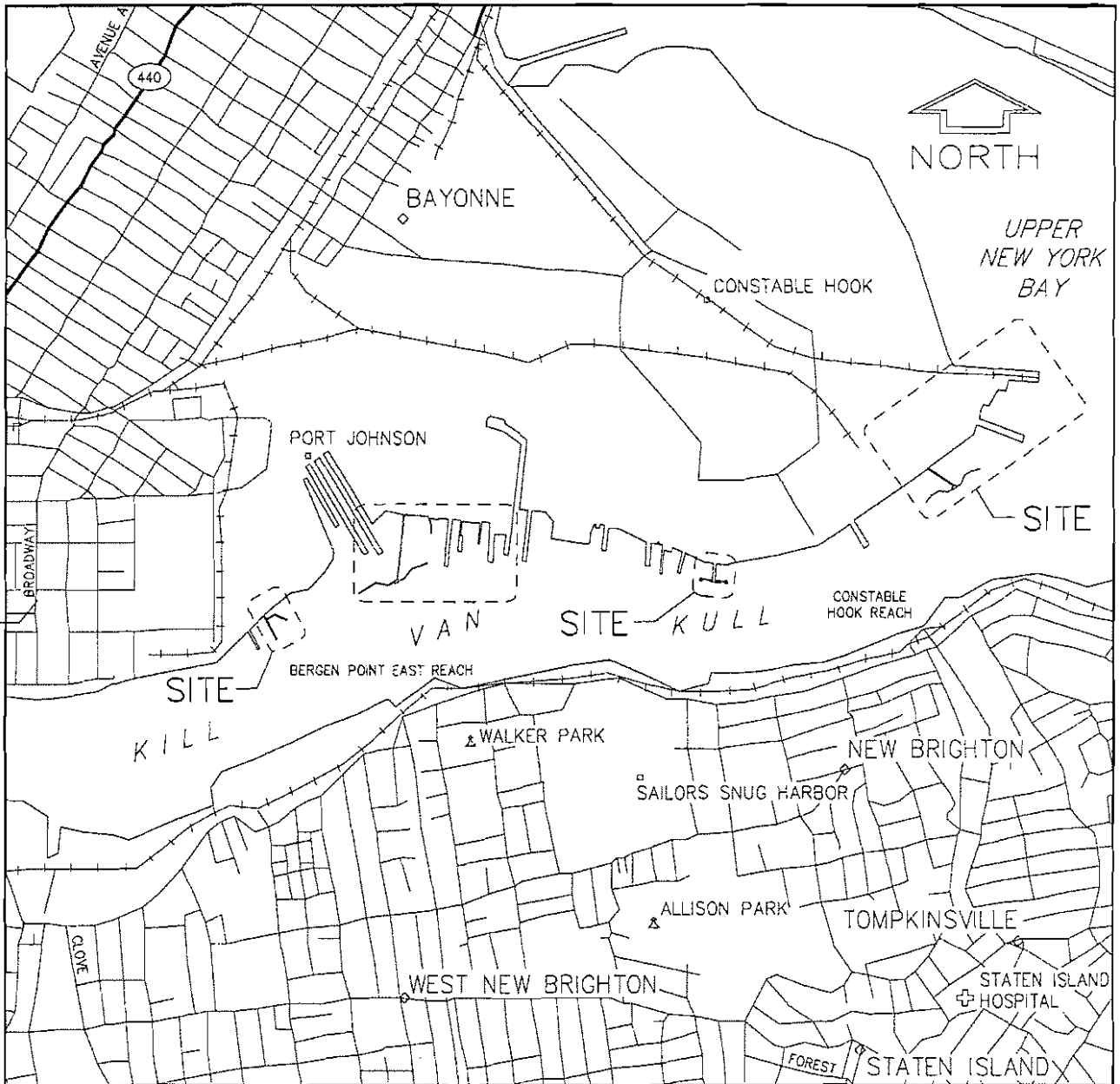
Total 15,820 c.y. annually

The above summary was developed to establish an approximate facility-wide potential need for maintenance dredging at the berths, exclusive of allowable overdepth dredging (+ 2 feet in all berths). The proposed maintenance dredging activities have historically been conducted every two to three years at some of the berths, with others being done less frequently. The present request is to allow for periodic maintenance dredging of the berths to be performed in order to maintain navigational safety and operational berthing depths and to promote a "facility-wide" approach to the regulatory process for the overall facility which will eliminate the piecemeal approach.

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The dredging will be conducted utilizing an "environmental" mechanical clamshell bucket. The dredged material would be placed into a sealed scow with no barge overflow. After the scows are loaded, they would be temporarily moved within the dredge site and the dredged material allowed to settle. After settling, excess water would be pumped to a second barge. The dredged material in the first barge would be towed to a location where it can be dewatered, physically amended and disposed of at a state approved upland site. The water in the second barge would be allowed to settle approximately 24 hours and at that time the excess water would be discharged (decanted) back into the waterway.

Historically, Piers 1, 3, 4 and 6 have required more periodic dredging than other berths. However, dredging has been typically performed in 2-4 year cycles, with the most recent dredging occurring in late 2003.



TAKEN FROM
DeLORME MAP EXPERT
WINDOWS V2.0

VICINITY MAP

0 2000 4000 FT.



SCALE

FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

REV. 1 5/12/04

PURPOSE: FACILITY-WIDE MAINTENANCE DREDGING
SAMPLE AND ANALYSIS PLAN

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF BAYONNE
2. EXXON CORPORATION

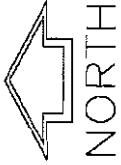
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY

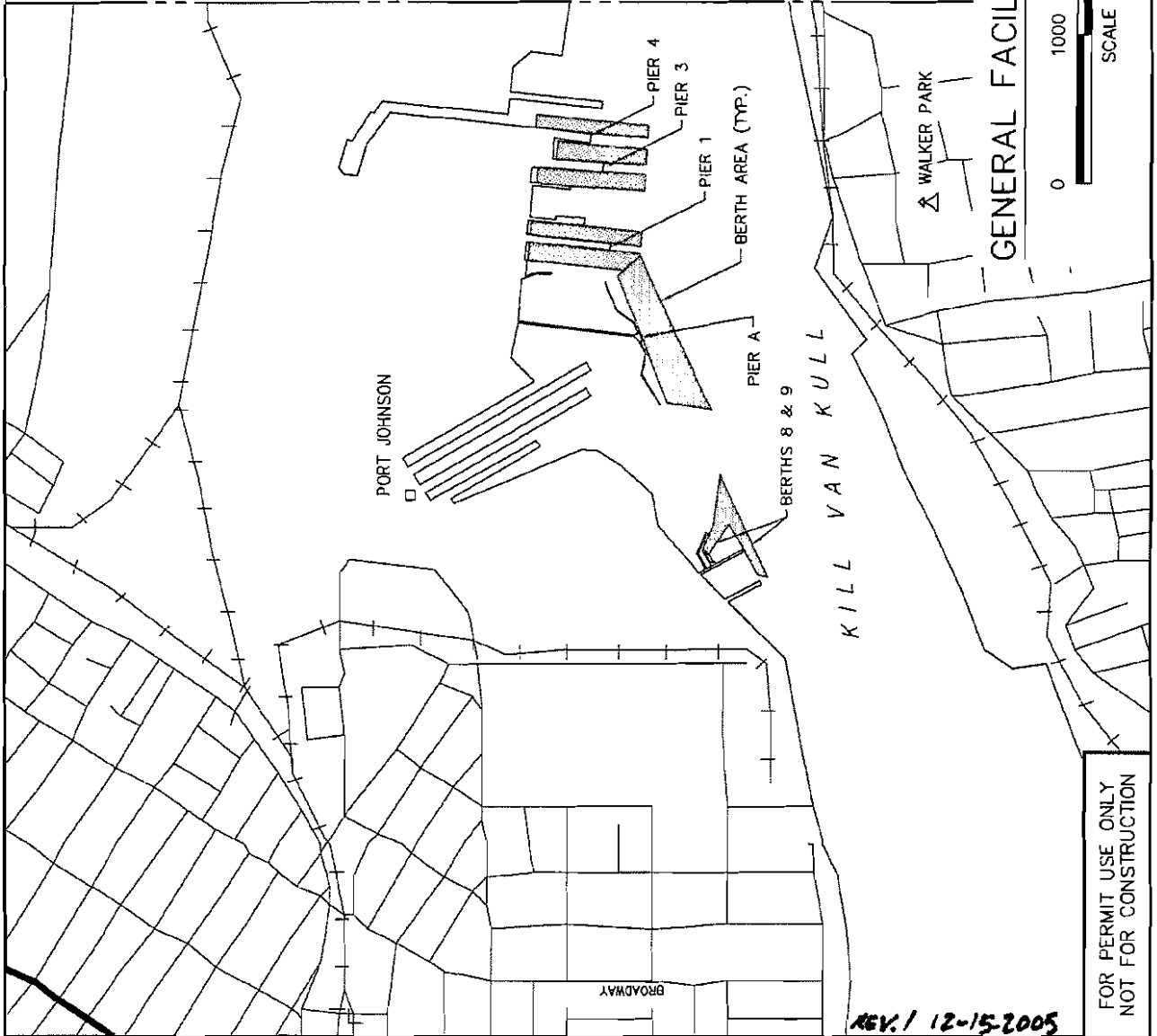
APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL

DATE: 2-12-04

SHEET 1 OF 13



MATCHLINE - SEE SHEET 3 FOR CONTINUATION



GENERAL FACILITIES PLAN



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REV. / 12-15-2005

PURPOSE: FACILITY-WIDE MAINTENANCE DREDGING
SAMPLE AND ANALYSIS PLAN

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF BAYONNE
2. EXXON CORPORATION

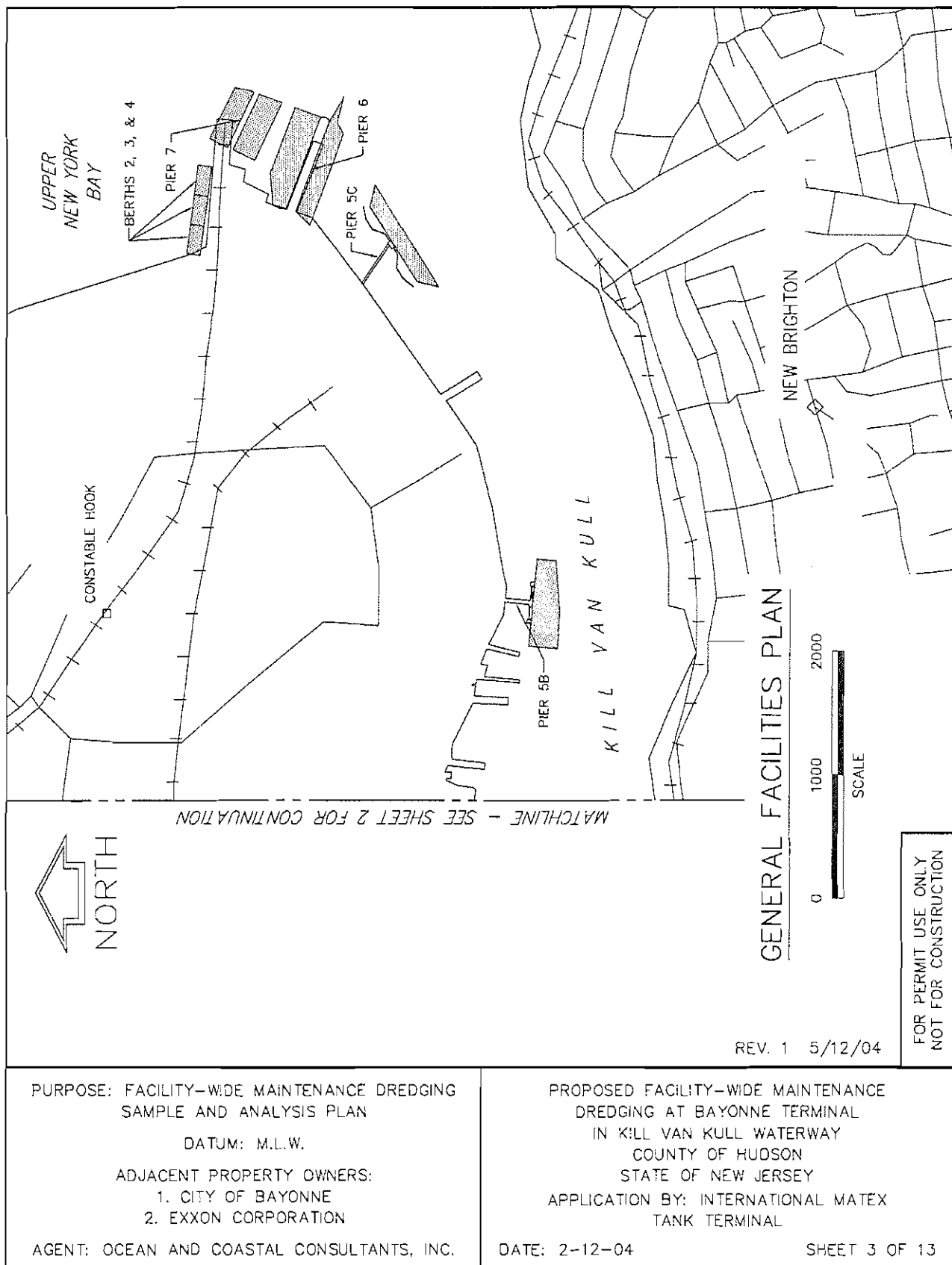
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

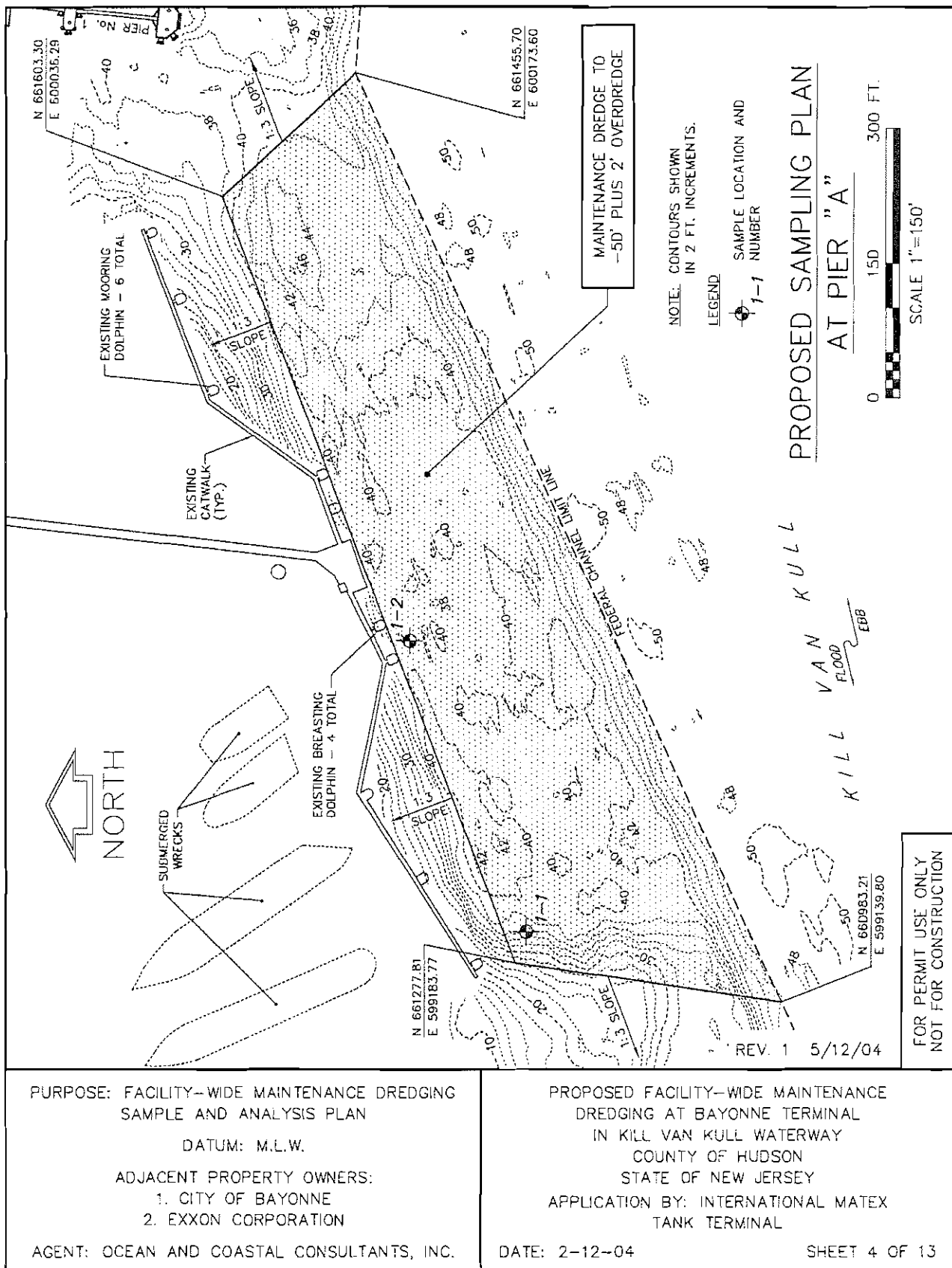
PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY

APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL

DATE: 2-12-04

SHEET 2 OF 13







MAINTENANCE DREDGE TO
-32.0' PLUS 2' OVERDREDGE

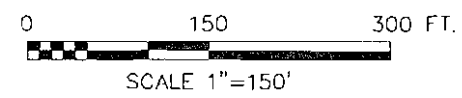
MAINTENANCE DREDGE TO
-36.0' PLUS 2' OVERDREDGE

NOTE: CONTOURS SHOWN
IN 2 FT. INCREMENTS.

LEGEND

1-3 SAMPLE LOCATION AND
NUMBER

PROPOSED SAMPLING PLAN
AT PIER 1



FEDERAL CHANNEL LIMIT LINE

FLOOD
EBB

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REV. 2 10/21/05

PURPOSE: FACILITY-WIDE MAINTENANCE DREDGING
SAMPLE AND ANALYSIS PLAN
DATUM: M.L.W.
ADJACENT PROPERTY OWNERS:
1. CITY OF BAYONNE
2. EXXON CORPORATION
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.


PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY
APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL
DATE: 2-12-04
SHEET 5 OF 13

203064 (PERMIT) 5 (150)



NOTE: CONTOURS SHOWN
IN 2 FT. INCREMENTS.

LEGEND

 SAMPLE LOCATION AND
NUMBER

PROPOSED SAMPLING PLAN
AT PIER 3

0 150 300 FT.
SCALE 1"=150'

FLOOD
EBB

BUILDING

N 662151.58
E 600658.14

N 662144.65
E 600759.97

N 662041.22
E 600757.01

N 662024.27
E 600817.43

N 662012.34
E 600936.92

WOODEN PILES (TYP.)
METAL PILE
TBM = 8.00' MLW
ON METAL PILE

N 661929.31
E 600635.66

MAINTENANCE DREDGE TO
-31.5' PLUS 2' OVERDREDGE

MAINTENANCE DREDGE TO
-25.0' PLUS 2' OVERDREDGE

N 661427.40
E 600601.49

N 661409.19
E 600876.67

N 661420.21
E 600710.18

N 661415.98
E 600774.04

FEDERAL CHANNEL LIMIT LINE

KILL VAN KULL

PURPOSE: FACILITY-WIDE MAINTENANCE
DREDGING AND ANALYSIS PLAN

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF BAYONNE
2. EXXON CORPORATION

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY

APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL

DATE: 2-12-04

SHEET 6 OF 13

REV. 2 10/21/05

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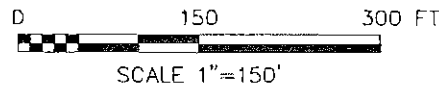
EXXON LUBRICANT

NOTE: CONTOURS SHOWN
IN 2 FT. INCREMENTS.

LEGEND

● SAMPLE LOCATION AND
2-3 NUMBER

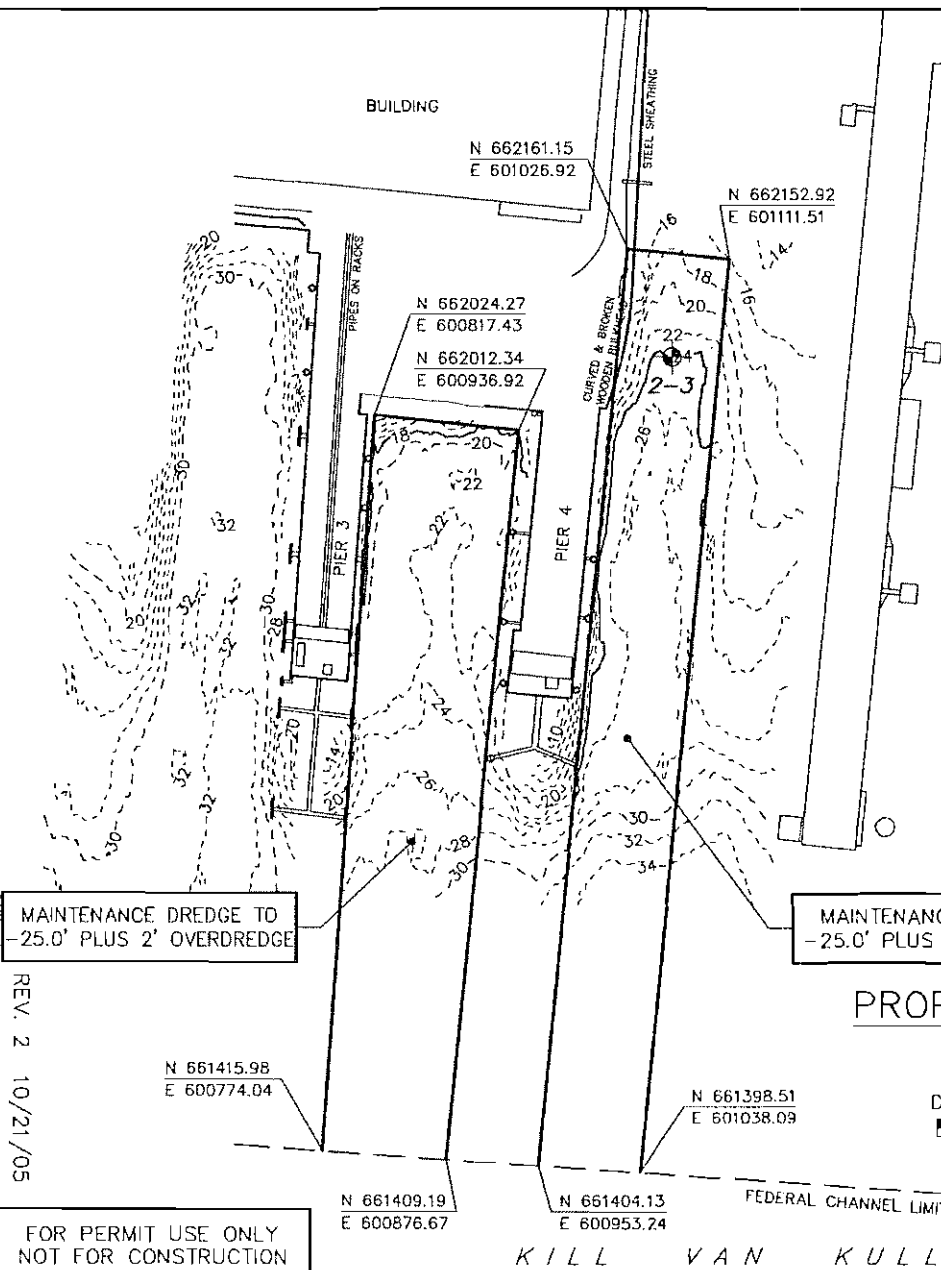
PROPOSED SAMPLING PLAN AT PIER 4



FEDERAL CHANNEL LIMIT LINE

FLOOD
EBB

KILL VAN KULL



REV. 2 10/21/05

FOR PERMIT USE ONLY
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PURPOSE: FACILITY-WIDE MAINTENANCE DREDGING
SAMPLE AND ANALYSIS PLAN

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:

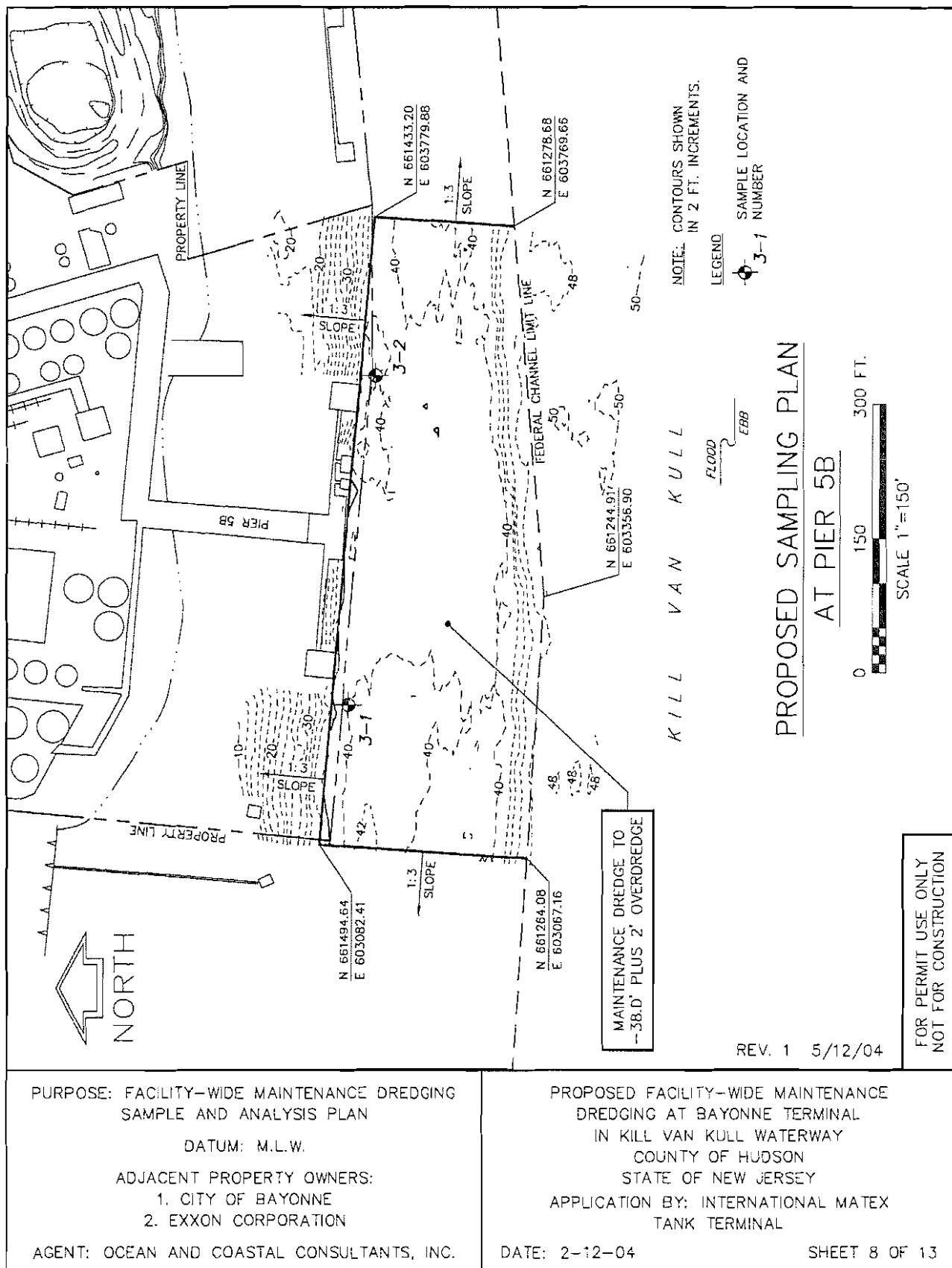
1. CITY OF BAYONNE
2. EXXON CORPORATION

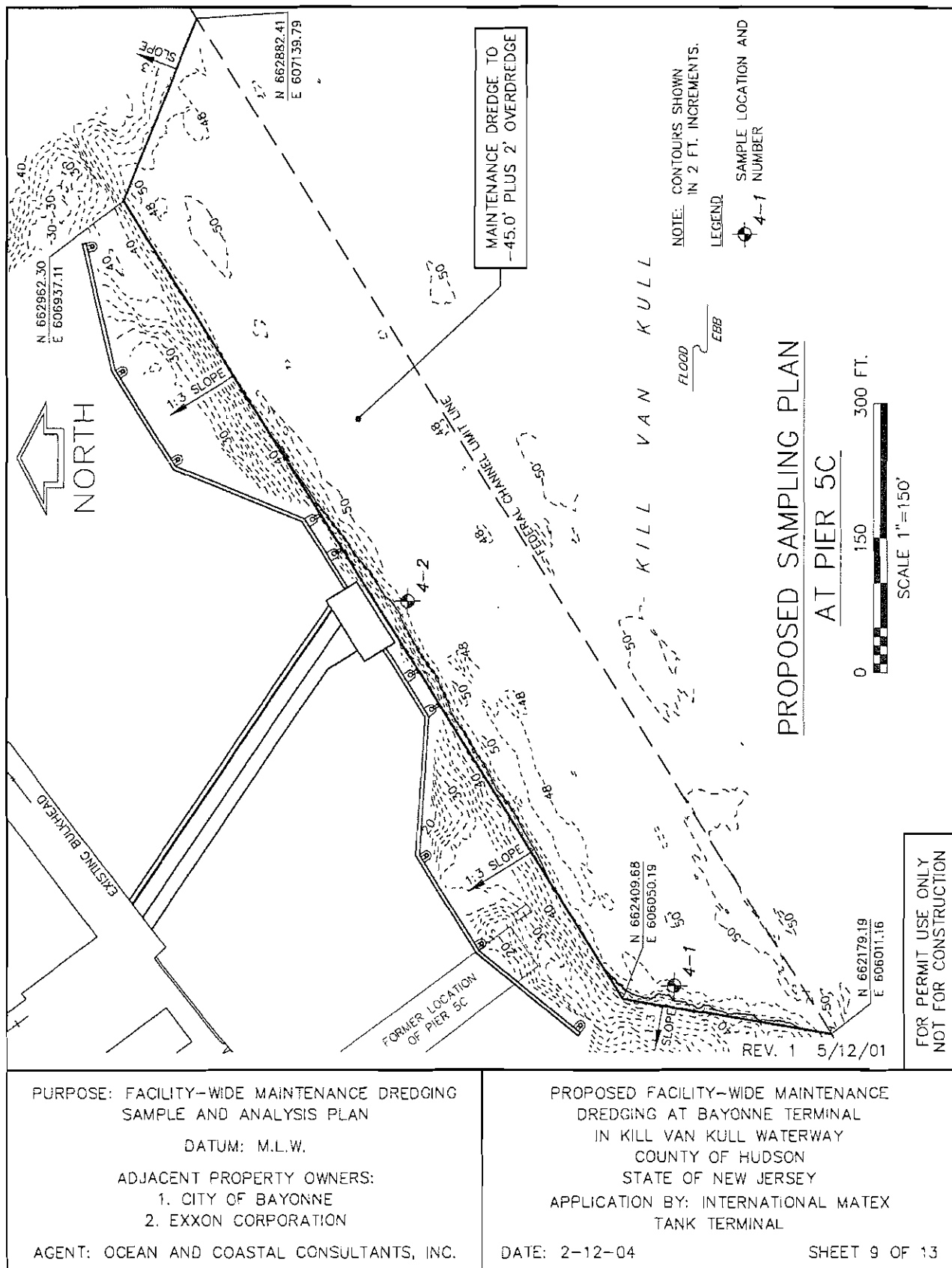
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

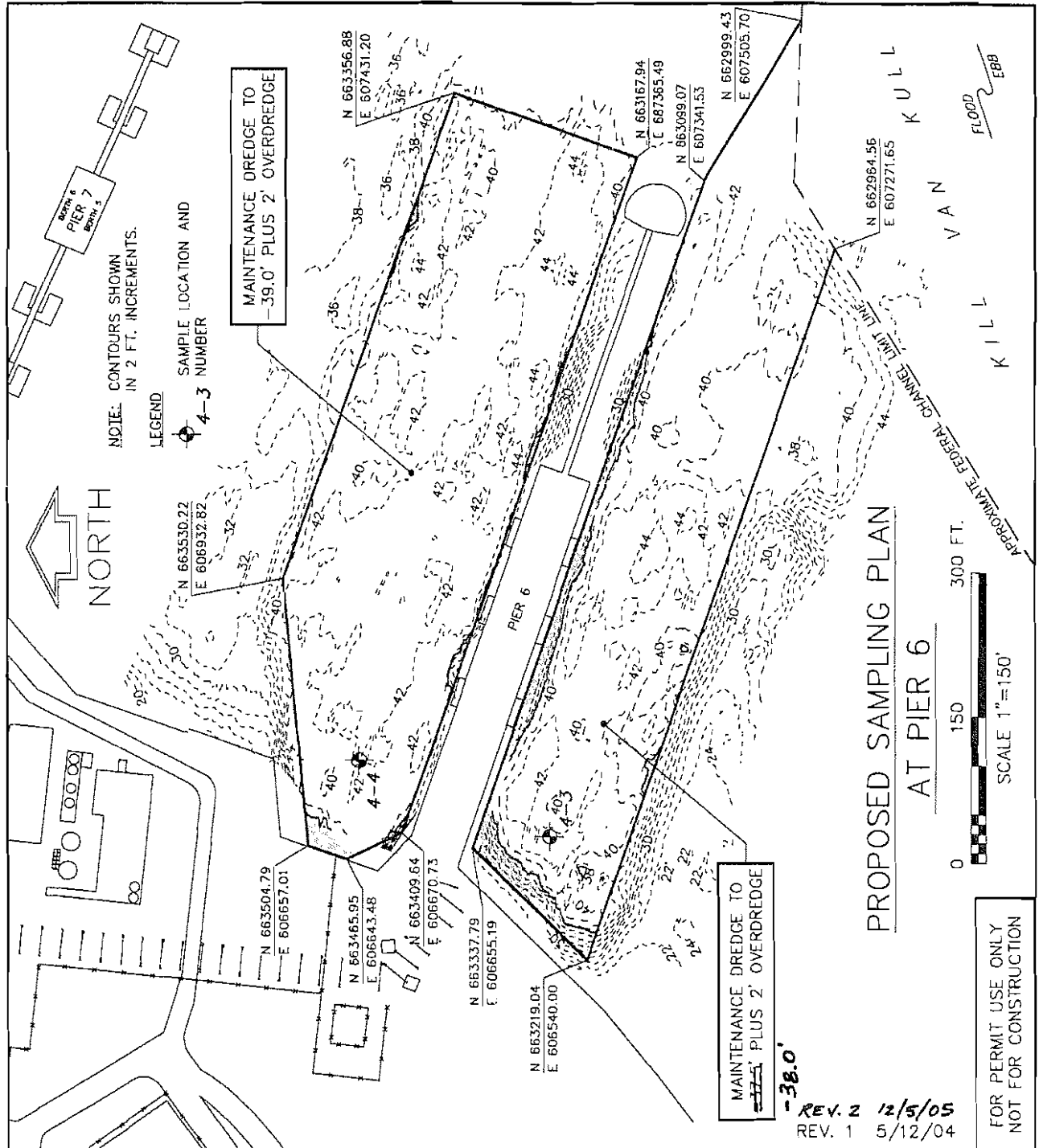
PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL
IN KILL VAN KULL WATERWAY
COUNTY OF HUDSON
STATE OF NEW JERSEY
APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL

DATE: 2-12-04

SHEET 7 OF 13







PURPOSE: FACILITY-WIDE MAINTENANCE DREDGING
SAMPLE AND ANALYSIS PLAN

DATUM: M.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF BAYONNE
2. EXXON CORPORATION

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED FACILITY-WIDE MAINTENANCE
DREDGING AT BAYONNE TERMINAL

IN KILL VAN KULL WATERWAY

COUNTY OF HUDSON

STATE OF NEW JERSEY

APPLICATION BY: INTERNATIONAL MATEX
TANK TERMINAL

DATE: 2-12-04

SHEET 10 OF 13



